

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HENRY F. HEWES,

Plaintiff,

-v.-

DEMOCRATIC NATIONAL COMMITTEE,
HILLARY CLINTON, DEBBIE WASSERMAN
SCHULTZ, DONNA BRAZILE, and ROBBY
MOOK

Defendants.

19 Civ. 7784 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On January 31, 2020, the Court ordered Plaintiff to file a Second Amended Complaint on or before February 28, 2020, as well as a letter addressing the issue of whether diversity of parties would exist if Defendant Hillary Clinton remained a defendant. (Dkt. #44). On February 19, 2020, Plaintiff filed his Second Amended Complaint, in which Clinton was not named in the case caption but was listed as a party in the text of the document. (Dkt. #46). On February 20, 2020, the Court ordered Plaintiff to file a letter on or before March 6, 2020, making clear whether he intended to proceed with or without Clinton as a named defendant. (Dkt. #48). On March 17, 2020, the Court entered yet another order, noting that Plaintiff had failed to abide by the February 20, 2020 Order. (Dkt. #49). The Court required Plaintiff to notify the Court on or before March 27, 2020, whether he wished to name Clinton as a defendant in this suit. (*Id.*). The Court stated that if Plaintiff failed to notify the Court whether he wished to name Clinton as a defendant in this suit, she would be dismissed due to Plaintiff's failure to prosecute.

As of the date of this Order, the Court has not received any correspondence from Plaintiff concerning whether he intended to name Clinton as a defendant in his Second Amended Complaint. Accordingly, Clinton is DISMISSED as a defendant, due to Plaintiff's failure to prosecute.

The remaining Defendants, who were unmistakably named as defendants in the Second Amended Complaint, have indicated their desire to file a motion to dismiss the Second Amended Complaint. Defendants shall file their motion to dismiss on or before May 1, 2020. Plaintiff shall file his opposition papers on or before June 30, 2020. Defendants shall file their reply papers, if any, on or before July 14, 2020. In addition to their motion papers, Defendants are also ordered to provide Plaintiff with copies (electronic or paper, as the parties agree) of all authorities on which they rely.

SO ORDERED.

Dated: April 3, 2020
New York, New York



KATHERINE POLK FAILLA
United States District Judge

Sent by First Class Mail to:
Henry Hewes
515 Madison Avenue
Suite 22B
New York, New York 10022